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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,934	09/28/2000	John Hadfield	00AB183	7590

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,934

Applicant(s)

HADFIELD ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 20, 22-25, 31-35 and 37-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20, 22-25, 31-35 and 37-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2004 has been entered.

Claims 1-11, 20, 22-25, 27-35 and 37-54 are pending in the present application. Claims 21 and 36 were canceled and new claims 47-54 were added via the Applicant's Amendment filed 3/17/2004. Claims 12-19 and 26-30 were previously canceled in the Response to Restriction Requirement filed on 2/21/2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-11, 20, 22-25, 31-35 and 37-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Skoolicas U.S. Patent No. 6,230,403.

Referring to claim 1. Skoolicas discloses a method for selling engineered electrical systems (column 2, lines 26-51), the method comprising the steps of:

- Generating a database for an electrical system comprising a plurality of programmable devices, the database including device designation data (column 32, lines 36-62);
- Soliciting an order for the system (column 31, lines 48-59);
- Assembling the system including the plurality of programmable devices (column 32, lines 36-62); and
- Configuring memory objects within the devices by downloading at least the device designation data from the database (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 2. Skoolicas further discloses a method comprising the step of designing the electrical system including the plurality of programmable devices (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 3. Skoolicas further discloses a method wherein the device designation data includes data representative of a physical location of a device in the system (column 32, lines 36-62).

The Examiner notes, the data included within the designation data qualifies as descriptive material since it is directed to the content of data, not structure or an action or step. The particular data stored does not patentably distinguish the claimed method and is given little patentable weight.

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Referring to claim 4. Skoolicas further discloses a method wherein the device designation data includes data representative of a function of a device in the system (column 32, lines 36-62).

The Examiner notes, the data included within the designation data qualifies as descriptive material since it is directed to the content of data, not structure or an action or step. The particular data stored does not patentably distinguish the claimed method and is given little patentable weight.

Referring to claim 5. Skoolicas further discloses a method wherein the step of soliciting the order includes computing price data, based upon the database (column 31, lines 48-59).

Referring to claim 6. Skoolicas further discloses a method comprising the step of storing the database in a computer coupled to the system (Figure 5).

Referring to claim 7. Skoolicas further discloses a method wherein the system includes a plurality of subassemblies, at least a portion of the subassemblies including at least one programmable device, and wherein the memory objects of the programmable devices are configured after arrangement of the devices on the subassemblies (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 8. Skoolicas further discloses a method wherein the memory objects of the programmable devices are configured prior to arrangement of the subassemblies in the system (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 9. Skoolicas further discloses a method wherein the memory objects of the programmable devices are configured after arrangement of the subassemblies in the system (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 10. Skoolicas further discloses a method wherein the devices include electrical power switching devices mounted within an enclosure (column 1, line 4 to column 2, line 24).

Referring to claim 11. Skoolicas further discloses a method wherein the system includes a motor control center (column 1, line 4 to column 2, line 24).

Referring to claim 20. Claim 20 is rejected under the same rational as set forth above in claim 1.

Referring to claim 22. Claim 22 is rejected under the same rational as set forth above in claim 3.

Referring to claim 23. Skoolicas further discloses a method wherein the step of programming the programmable components is performed following final assembly of the components in the system (column 2, lines 42-51 and column 34, lines 41-57).

Referring to claim 24. Skoolicas further discloses a method wherein the step of assembling the system includes coupling the components to a data network in the system for accessing data from each programmable component (column 20, lines 1-14).

Referring to claim 25. Cremon further discloses a method wherein the programmable components are programmed via the data network (Figure 5).

Referring to claim 31. Claim 31 is rejected under the same rational as set forth above in claim 1.

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Referring to claim 32. Claim 32 is rejected under the same rational as set forth above in claim 4.

Referring to claim 33. Claim 33 is rejected under the same rational as set forth above in claim 3.

Referring to claim 34. Claim 34 is rejected under the same rational as set forth above in claim 1.

Referring to claim 35. Claim 35 is rejected under the same rational as set forth above in claim 4.

Referring to claim 37. Claim 37 is rejected under the same rational as set forth above in claim 6.

Referring to claim 38. Claim 38 is rejected under the same rational as set forth above in claim 7.

Referring to claim 39. Claim 39 is rejected under the same rational as set forth above in claim 8.

Referring to claim 40. Claim 40 is rejected under the same rational as set forth above in claim 9.

Referring to claim 41. Claim 41 is rejected under the same rational as set forth above in claim 7.

Referring to claim 42. Claim 42 is rejected under the same rational as set forth above in claim 1.

Referring to claim 43. Claim 43 is rejected under the same rational as set forth above in claim 3.

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Referring to claim 44. Claim 44 is rejected under the same rational as set forth above in claim 9.

Referring to claim 45. Claim 45 is rejected under the same rational as set forth above in claim 24.

Referring to claim 46. Claim 46 is rejected under the same rational as set forth above in claim 25.

Referring to new claims 47-54. New claims 47-54 are rejected under the same rationale as set forth above in claims 1-11, 20, 22-25, 27-35 and 37-46.

Response to Arguments

Applicant's arguments with respect to claims 1-11, 20, 22-25, 27-35 and 37-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cremon, Patent Application Publication US 2002/0191998, December 19, 2002, discloses an arrangement for automatic setting of programmable devices and materials therefor.

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Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

July 8, 2003



Jeffrey A. Smith
Primary Examiner